

BALE et al
Appl. No. 09/830,271
May 26, 2005

REMARKS/ARGUMENTS

Reconsideration of this application is respectfully requested.

Initially, attention is drawn to the attached Form PTO-1449, documents referenced therein and, in the case of non-US patent documents, attached hereto. Although the Notification of Acceptance dated June 4, 2001 indicates that the International Search Report and copies of references cited therein were duly received by the U.S. Patent and Trademark Office, the undersigned has realized that some such references have not yet been included on any Form PTO-892 or Form PTO-1449. There are also three related co-pending applications and the undersigned intended to cross-cite all references therebetween just to be on the safe side. Accordingly, this further IDS material is now submitted to complete the record. Official consideration and return of a fully initialed copy of this additional Form PTO-1449 is respectfully requested.

Attention is also drawn to the following co-pending related applications:

1. USSN ⁰⁹10/830,459 filed April 27, 2001 (Examiner Mered, GAU 2662)
2. USSN ⁰⁹10/830,461 filed April 27, 2001 (Examiner Patel, GAU 2154)
3. USSN ⁰⁹10/830,462 filed April 27, 2001 (Examiner Patel, GAU 2154)

In addition, the Examiner's attention is also drawn to the attached January 11, 2005 Office Action from the EPO in a counterpart application together with a copy of applicant's

recently filed response to that Office Action and the EPO claims 1-20 now being prosecuted in this counterpart EPO application.

The above amendment to the claims now presents new claims 18-38. New claims 18-29 correspond respectively to the latest EPO counterpart claims 1-12 (except for multiple claim dependencies and other such format/style changes to make the claims in more traditional US format). In a similar fashion, new claims 30-31 correspond to the latest EPO counterpart claim 13 and new claims 32-38 correspond respectively to the latest EPO counterpart claims 14-20.

The Examiner is thanked for providing a detailed response to applicant's earlier arguments. Clearly there has been some failure of communication in prior exchanges between the applicant and the Examiner. With the added insight provided by the Examiner's detailed response, it is hopeful that such mis-understandings can be avoided hereafter.

The rejection of claims 1-17 under 35 U.S.C. §102 as allegedly anticipated by Gallant '466 is again respectfully traversed.

The following argument will be presented only with respect to the newly presented claims 18-38 since other possible issues have now been mooted.

The new claims more particularly require the load which the overload controller limits to comprise the load offered by control signals arriving at the platform via the control interface over which the overload controller functions.

Support for the amendments can be found in the description and claims as originally filed on pages 2 and 4 of the description, which make it clear that the overload controller is on the

control interface, and is arranged to limit the load on the platform by denying certain control messages arriving on the control interface access to the platform. Thus the claimed invention ensures that the processing load of the platform is reduced by selectively denying certain control messages from causing the platform an additional processing burden.

The method of optimization described in Gallant requires transmission of all control messages issued to be given access to the VMS for the system to be optimized. This is because the VMS is being optimally configured by the control messages received to reduce outgoing communications traffic sent over the network to end users. In contrast, the applicant's claimed invention seeks to optimize the operation of the VMS /platform (especially its internal mail-box processing operations) by essentially preventing overload processing conditions. This is achieved by denying certain control signals access to the platform. This ensures that the VMS/platform is not overloaded as a result of the functionality those control signals would trigger if processed by the VMS/platform. The invention is thus quite different from Gallant. If the platform is not internally overloaded with processing mailbox control signals, as taught by the invention, the outgoing messages issued by the platform will also be limited.

Addressing Ballant more specifically, it is clear that the objective problem addressed by Gallant differs from the problem addressed by the applicant to the extent that it is not even obvious for a person skilled in the art who has read Gallant to arrive at the claimed invention. Gallant states in column 2, at lines 9 to 12 that a system and method for notifying mobile subscribers of unread messages in a voice mailbox while simultaneously minimizing communication traffic in the network is provided. The preferred embodiments of the system all

relate to sending messages to the user's mobile device to alert them to changing states of their mailbox at the server platform.

In Gallant the server platform comprises a voice mail system (VMS) which is connected via either a PSTN or PCN to a plurality of personal communication devices (PCD) (=end user devices). Calls received by the VMS are directed to mailboxes associated with individual users. To minimize traffic on the network, i.e., to minimize the number of alerts sent to individual users, the VMS operates in an optimized mode. This optimized mode can be selected by the subscriber or pre-programmed into the VMS, etc., and the VMS can also, as the Examiner has pointed out, be dynamically programmed to operate in the optimized mode. The optimized mode is therefore capable of being configured by a user sending an appropriate control message to the VMS of Gallant or by any other means which dynamically sends control messages to the VMS.

However, nothing in Gallant indicates that if several sources send control messages all at the same time, that this could result in an overload condition at the VMS. All that Gallant considers is that to minimize outgoing traffic from the VMS across the network, the VMS can be configured to adjust the frequency, etc., of the alert messages it sends to mailbox users. In contrast, according to the applicant's invention, when several users or the service provider send control signals to the VMS, denying access to some of the control messages will mitigate the load offered to the VMS.

This is counter-intuitive to the teaching of Gallant, as access to the control interface in Gallant is necessary if the mode of operation which minimizes the number of messages sent out

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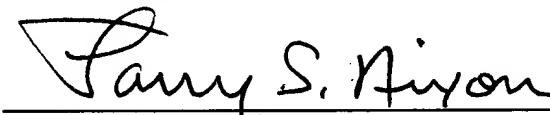
by the VMS is to be selected. In Gallant, if the mailbox becomes full, i.e., if the number of messages stored exceeds a threshold limit, then the VMS will notify a user to this effect as the mailbox is no longer capable of receiving messages. However, nothing in Gallant et al. teaches that if too many users seek to access their mailbox simultaneously, then some should be barred by configuring the control interface of the VMS to selectively bar some.

Accordingly, this entire application is now believed to be in allowable condition and a formal Notice to that effect is respectfully solicited.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By:



Larry S. Nixon
Reg. No. 25,640

LSN:vc
901 North Glebe Road, 11th Floor
Arlington, VA 22203-1808
Telephone: (703) 816-4000
Facsimile: (703) 816-4100